

AMENDED IN ASSEMBLY APRIL 29, 2010

AMENDED IN ASSEMBLY APRIL 15, 2010

AMENDED IN ASSEMBLY APRIL 7, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

## ASSEMBLY BILL

**No. 2229**

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**Introduced by Assembly Member Brownley**

February 18, 2010

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An act to amend ~~Sections 830 and~~ *Section* 18961.5 of, *and to add and repeal Section 18961.7 of*, the Welfare and Institutions Code, relating to child abuse reporting.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2229, as amended, Brownley. Mandated child abuse reporting.

Existing law authorizes members of a multidisciplinary personnel team engaged in the prevention, identification, and treatment of child abuse to disclose and exchange information and writings to and with one another relating to any incidents of child abuse that may also be a part of a juvenile court record or otherwise designated as confidential under state law if the member of the team having that information or writing reasonably believes it is generally relevant to the prevention, identification, or treatment of child abuse. *Under existing law, all discussions relative to the disclosure or exchange of this information during team meetings are confidential and testimony concerning those discussions is not admissible in any criminal, civil, or juvenile court proceeding.* A multidisciplinary personnel team is defined for purposes of this provision to mean any team of 3 or more persons who are trained in the prevention, identification, and treatment of child abuse, as specified.

This bill would, *until January 1, 2014*, additionally authorize the disclosure and exchange of information to occur telephonically and electronically, *for up to 48 hours following a report of suspected child abuse or neglect*, if there is adequate verification of the identity of the multidisciplinary personnel who are involved in that disclosure or exchange of information. The bill would revise the definition of a multidisciplinary personnel team for purposes of this provision to mean any team of 2 or more persons created to investigate a report of suspected child abuse, as specified, who are trained in the prevention, identification, and treatment of child abuse, as specified. *The bill would require that the sharing of information permitted in the 48-hour period following a report of suspected child abuse or neglect be governed by memoranda of understanding among participating provider agencies, as defined, that prescribes the types of information that may be shared and the process to ensure that specified confidentiality requirements are met.*

Existing law provides that a county may establish a computerized data base system within that county to allow provider agencies to share identifying information regarding families at risk for child abuse or neglect, for the purpose of forming multidisciplinary personnel teams for the prevention, identification, management, or treatment of child abuse. A multidisciplinary personnel team is defined for purposes of this provision to mean any team of 3 or more persons who are trained in the prevention, identification, and treatment of child abuse, as specified.

This bill would revise the definition of multidisciplinary personnel teams for purposes of this provision to additionally include any team of 2 or more persons who are trained in the prevention, identification, management, or treatment of child abuse, as specified.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. ~~Section 830 of the Welfare and Institutions Code~~  
2     ~~is amended to read:~~  
3     ~~830. (a) Notwithstanding any other provision of law, members~~  
4     ~~of a multidisciplinary personnel team engaged in the prevention,~~  
5     ~~identification, and treatment of child abuse may disclose and~~  
6     ~~exchange information and writings to and with one another relating~~

1 to any incidents of child abuse that may also be a part of a juvenile  
2 court record or otherwise designated as confidential under state  
3 law if the member of the team having that information or writing  
4 reasonably believes it is generally relevant to the prevention,  
5 identification, or treatment of child abuse. All discussions relative  
6 to the disclosure or exchange of any such information or writings  
7 during team meetings are confidential and, notwithstanding any  
8 other provision of law, testimony concerning any such discussion  
9 is not admissible in any criminal, civil, or juvenile court  
10 proceeding.

11 (b) Disclosure and exchange of information pursuant to this  
12 section may occur telephonically and electronically if there is  
13 adequate verification of the identity of the multidisciplinary  
14 personnel who are involved in that disclosure or exchange of  
15 information.

16 (c) As used in this section, the following definitions shall apply:

17 (1) "Child abuse" has the same meaning as defined in Section  
18 18951.

19 (2) "Multidisciplinary personnel team" means any team of two  
20 or more persons created to investigate a report of suspected child  
21 abuse made pursuant to Section 11166 or 11166.05 of the Penal  
22 Code, the members of which are trained in the prevention,  
23 identification, and treatment of child abuse and are qualified to  
24 provide a broad range of services related to child abuse. The team  
25 may include, but shall not be limited to, all of the following:

26 (A) Psychiatrists, psychologists, marriage and family therapists,  
27 or other trained counseling personnel.

28 (B) Police officers or other law enforcement agents.

29 (C) Medical personnel with sufficient training to provide health  
30 services.

31 (D) Social service workers with experience or training in child  
32 abuse prevention.

33 (E) Any public or private school teacher, administrative officer,  
34 supervisor of child welfare attendance, or certified pupil personnel  
35 employee.

36 ~~SEC. 2.~~

37 *SECTION 1.* Section 18961.5 of the Welfare and Institutions  
38 Code is amended to read:

39 18961.5. (a) Notwithstanding any other provision of law, any  
40 county may establish a computerized data base system within that

1 county to allow provider agencies, as defined in subdivision (h),  
2 to share identifying information, as specified in subdivision (c),  
3 regarding families at risk for child abuse or neglect, for the purpose  
4 of forming multidisciplinary personnel teams, as defined in either  
5 ~~paragraph (2) of subdivision (e) of Section 830 or~~ subdivision (d)  
6 of Section 18951 *or paragraph (2) of subdivision (b) of Section*  
7 *18961.7*, for the prevention, identification, management, or  
8 treatment of child abuse.

9 (b) Each county shall develop its own standards for defining  
10 “at risk” before joining this system. Only information about  
11 children or the families of children at risk for child abuse or neglect  
12 may be entered into a computerized data base system established  
13 pursuant to this section.

14 (c) With regard to a case in which a child or family has been  
15 identified as at risk for child abuse or neglect under this section,  
16 only the following information shall be entered into the system:

17 (1) The name, address, telephone number, and date and place  
18 of birth of family members.

19 (2) The number assigned to the case by each provider agency.

20 (3) The name and telephone number of each employee assigned  
21 to the case from each provider agency.

22 (4) The date or dates of contact between each provider agency  
23 and a family member or family members.

24 (d) The information may only be entered into the system by, or  
25 disclosed to, provider agency employees designated by the director  
26 of each participating provider agency. Members of the  
27 multidisciplinary personnel teams shall be drawn from these  
28 designated employees, or other persons, as specified in Section  
29 18961. The heads of provider agencies shall establish a system by  
30 which unauthorized personnel cannot access the data contained in  
31 the system.

32 (e) The information obtained pursuant to this section shall be  
33 kept confidential and shall be used solely for the prevention,  
34 identification, management, or treatment of child abuse, child  
35 neglect, or both.

36 (f) This section shall not supplant any duties required by the  
37 Child Abuse and Neglect Reporting Act (Article 2.5 (commencing  
38 with Section 11164) of Chapter 2 of Title 1 of Part 3 of the Penal  
39 Code).

(g) No employee of a provider agency which serves children and their families shall be civilly or criminally liable for furnishing or sharing information as authorized by this section.

(h) For the purposes of this section, “provider agency” means any governmental or other agency which has as one of its purposes the prevention, identification, management, or treatment of child abuse or neglect. The provider agencies serving children and their families which may share information under this section shall include, but not be limited to, the following entities or service agencies:

- (1) Social services.
- (2) Children’s services.
- (3) Health services.
- (4) Mental health services.
- (5) Probation.
- (6) Law enforcement.
- (7) Schools.

SEC. 2. Section 18961.7 is added to the Welfare and Institutions Code, to read:

18961.7. (a) Notwithstanding any other provision of law, a county may establish a child abuse investigation and prevention multidisciplinary personnel team within that county to allow provider agencies to share confidential information in order to investigate reports of suspected child abuse or neglect made pursuant to Section 11166 or 11166.05 of the Penal Code, or for the purposes of making a child welfare services referral or detention determination.

(b) For the purposes of this section, the following terms shall have the following meanings:

(1) “Child abuse investigation and prevention multidisciplinary personnel team” means any team of two or more persons who are trained in the prevention, identification, or treatment of child abuse and neglect cases and who are qualified to provide a broad range of services related to child abuse. The team may include, but shall not be limited to:

(A) Psychiatrists, psychologists, marriage and family therapists, or other trained counseling personnel.

(B) Police officers or other law enforcement agents.

(C) Medical personnel with sufficient training to provide health services.

1 (D) Social service workers with experience or training in child  
2 abuse prevention.

3 (E) Any public or private school teacher, administrative officer,  
4 supervisor of child welfare attendance, or certified pupil personnel  
5 employee.

6 (2) "Provider agency" means any governmental or other agency  
7 that has as one of its purposes the prevention, identification,  
8 management, or treatment of child abuse or neglect. The provider  
9 agencies serving children and their families that may share  
10 information under this section shall include, but not be limited to,  
11 the following entities or service agencies:

12 (A) Social services.

13 (B) Children's services.

14 (C) Health services.

15 (D) Mental health services.

16 (E) Probation.

17 (F) Law enforcement.

18 (G) Schools.

19 (c) (1) Notwithstanding Section 827 of the Welfare and  
20 Institutions Code or any other provision of law, during the 48-hour  
21 period following a report of suspected child abuse or neglect,  
22 members of a child abuse investigation and prevention  
23 multidisciplinary personnel team engaged in the prevention,  
24 identification, and treatment of child abuse may disclose to and  
25 exchange with one another information and writings that relate  
26 to any incident of child abuse that may also be designated as  
27 confidential under state law if the member of the team having that  
28 information or writing reasonably believes it is generally relevant  
29 to the prevention, identification, or treatment of child abuse. Any  
30 discussion relative to the disclosure or exchange of the information  
31 or writings during a team meeting is confidential and,  
32 notwithstanding any other provision of law, testimony concerning  
33 that discussion is not admissible in any criminal, civil, or juvenile  
34 court proceeding.

35 (2) Disclosure and exchange of information pursuant to this  
36 section may occur telephonically and electronically if there is  
37 adequate verification of the identity of the child abuse investigation  
38 and prevention multidisciplinary personnel who are involved in  
39 that disclosure or exchange of information.

1     (3) *Disclosure and exchange of information pursuant to this*  
2 *section shall not be made to anyone other than members of the*  
3 *child abuse investigation and prevention multidisciplinary*  
4 *personnel team, and those qualified to receive information as set*  
5 *forth in subdivision (d).*

6     (d) *The child abuse investigation and prevention*  
7 *multidisciplinary personnel team may designate persons qualified*  
8 *pursuant to paragraph (1) of subdivision (b) to be a member of*  
9 *the team for a particular case. A person designated as a team*  
10 *member pursuant to this subdivision may receive and disclose*  
11 *relevant information and records, subject to the confidentiality*  
12 *provisions of subdivision (f).*

13     (e) *The sharing of information permitted under subdivision (c)*  
14 *shall be governed by memoranda of understanding among the*  
15 *participating service providers or provider agencies. These*  
16 *memoranda shall specify the types of information that may be*  
17 *shared, and the process to be used to ensure that current*  
18 *confidentiality requirements, as described in subdivision (f), are*  
19 *met.*

20     (f) *Every member of the child abuse investigation and prevention*  
21 *multidisciplinary personnel team who receives information or*  
22 *records regarding children and families in his or her capacity as*  
23 *a member of the team shall be under the same privacy and*  
24 *confidentiality obligations and subject to the same confidentiality*  
25 *penalties as the person disclosing or providing the information or*  
26 *records. The information or records obtained shall be maintained*  
27 *in a manner that ensures the maximum protection of privacy and*  
28 *confidentiality rights.*

29     (g) *This section shall not be construed to restrict guarantees of*  
30 *confidentiality provided under federal law.*

31     (h) *Information and records communicated or provided to the*  
32 *team members by all providers and agencies, as well as*  
33 *information and records created in the course of a child abuse or*  
34 *neglect investigation, shall be deemed private and confidential*  
35 *and shall be protected from discovery and disclosure by all*  
36 *applicable statutory and common law protections. Existing civil*  
37 *and criminal penalties shall apply to the inappropriate disclosure*  
38 *of information held by the team members.*

- 1     *(i) This section shall remain in effect only until January 1, 2014,*  
2     *and as of that date is repealed.*

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